

REQUEST FOR PROPOSALS

**REAL PROPERTY
TITLE SEARCHES**

FOR

COUNTY OF MAUI

FINANCE DEPARTMENT TREASURY DIVISION

RFP 13-14/P101

**Request for Proposals
To Provide Real Property Title Searches
For The County Of Maui Treasury Division**

RFP 13-14/P101

The County of Maui, Department of Finance is requesting proposals from vendors experienced with providing real property title searches.

The RFP may be obtained at the Division of Purchasing, Department of Finance, located at 2145 Wells Street, Room 104, Wailuku, HI. 96793 or downloaded from the County of Maui website at: <http://www.co.maui.hi.us/bids.aspx>.

Four (4) copies of the complete proposal must be received by 2:00 p.m on **June 5, 2014** at the following address:

Department of Finance
Purchasing Division
County of Maui
2145 Wells Street, Room 104
Wailuku, Maui, Hawaii 96793

Proposals received after the stated time will not be accepted and will be returned to the sender. Once proposals have been reviewed by the County, a determination will be made as to whether webinar presentations with the priority listed vendors will be held. Please direct technical questions on the RFP to Abi Fernandez, County of Maui Finance Department Treasury Division, at (808) 270-8068.



DANILO F. AGSALOG
Director of Finance

**Request for Proposals
To Provide Real Property Title Searches
For The County Of Maui Treasury Division**

RFP 13-14/P101

The County of Maui, Department of Finance is requesting proposals from vendors experienced with providing real property title searches.

The RFP may be obtained at the Division of Purchasing, Department of Finance, located at 2145 Wells Street, Room 104, Wailuku, HI. 96793 or downloaded from the County of Maui website at: <http://www.co.maui.hi.us/bids.aspx>.

Four (4) copies of the complete proposal must be received by 2:00 p.m on **June 5, 2014** at the following address:

Department of Finance
Purchasing Division
County of Maui
2145 Wells Street, Room 104
Wailuku, Maui, Hawaii 96793

Proposals received after the stated time will not be accepted and will be returned to the sender. Once proposals have been reviewed by the County, a determination will be made as to whether webinar presentations with the priority listed vendors will be held. Please direct technical questions on the RFP to Abi Fernandez, County of Maui Finance Department Treasury Division, at (808) 270-8068.

DANILO F. AGSALOG
Director of Finance

SECTION 1 PROJECT OVERVIEW

The County of Maui Finance Department Treasury Division is currently seeking proposals from qualified entities authorized to do business in the State of Hawaii, to provide title searches.

SECTION 2 SCOPE OF WORK

INTRODUCTION:

The County of Maui is seeking bids from established title search firms to provide the County with title searches and title insurance policies for properties to be offered for sale at non-judicial foreclosure sales for a two year period beginning July 1, 2014, and ending June 30, 2016, with two 1 year extension renewal options. The County anticipates scheduling at least one non-judicial foreclosure sale within each twelve month period, offering approximately one hundred (100) properties per sale. The next non-judicial foreclosure sale is tentatively scheduled to be held during May or October 2014. The Treasury Division Real Property Tax collections will provide a list of properties requiring preliminary title search to the successful bidder as needed throughout the agreement period.

A preliminary title search for each property shown on list(s) provided by the Real Property Tax Office will be required. Follow-up or undated title searches will be required for all properties listed, except those deleted because taxes have been paid or for any other reason, with an original and five (5) copies of each to be provided, plus a title insurance policy for those properties which end up being sold at tax sales.

Deletions and/or additions of properties are subject to change at the discretion of the County of Maui, Treasurer.

Other than properties which are identified as time and cost searches (title searches which require exceptional efforts and subject to additional charges), all preliminary title reports listed on the search list request shall be delivered to the Treasury Division

Real Property Tax collections within forty-five (45) days from the date the list is provided to the Contractor. Any title report which is delivered after the 45-day deadline shall be billed at a discounted rate equal to a ten percent (10%) reduction for each day later than 45 days, up to a maximum of fifty-two (52) days, after which there shall be no charge for the report. With the exception of properties that have been identified as time and cost searches, the contractor will guarantee that all title reports will be delivered within sixty (60) days from the time the list is provided.

INFORMATION REQUIRED:

Each title report shall provide the following information:

- A. Complete name and mailing address for:
 - 1. Owners; to include all fractional or undivided interests in the property.
 - 2. Mortgages.
 - 3. Lien Holders.
 - 4. Plaintiff and Plaintiff's attorney.
 - 5. Judgment creditors.
 - 6. Bankruptcy Court check under owner's name.
 - 7. Person with Power of Attorney.
 - 8. All other persons claiming interest in the property howsoever shown on general indexes of Bureau of Conveyances.
- B. Court Check.
- C. Financing Statement Check.
- D. Legal description of the property.
- E. For properties registered in the Land Court, a check of the general indexes of the Bureau of Conveyances is also required. Any encumbrance affecting title which is discovered in the Bureau of Conveyances shall be noted and listed on the title report. The search for encumbrances in the Bureau of Conveyances shall include the sub- items listed in section A above.
- F. Complete copies of all documents (one set).

SAMPLES OF DOCUMENTS: Bids should include samples of preliminary and follow up reports and title insurance policies that will be provided.

NUMBER OF REPORTS: It is anticipated that approximately 100 preliminary reports for the anticipated annual sale will be required, with somewhat fewer update reports and title insurance policies being required;

It cannot be determined in advance which parcels will be "paid up" and would not require either the preliminary or the updated title search. A list of properties for the sale requiring preliminary title search will be made available to the successful bidder upon award. Preliminary searches for additional properties, if any, will be upon request during the life of the agreement.

USE OF TITLE DOCUMENTS:

The Contractor should understand that the preliminary and updated title reports will be used by the County to notify owners and lien holders of its intent to foreclose upon the property to collect delinquent real property taxes. Furthermore, members of the general public who are interested in bidding at the foreclosure sales will be reviewing the title report documents prior to the sale in order to formulate an opinion of the bid price to offer for the properties to be offered at the sale. The contractor agrees to the uses of the title documents for the above purposes. The County will work with contractor to insure sufficient notification of evidence of the notice(s) given prior to the tax sale.

EXPERIENCE:

It is expected that firms who respond will have a minimum of three years' of experience as a going concern in the industry. Bids should include a brief description of at least three similar contracts for title search services the firm has undertaken, preferably for city or county governments. The County of Maui may contact these references for their recommendations and comments.

Preliminary title reports must be delivered to the Real Property Tax, Treasury Division,

70 E. Kaahumanu Avenue, Suite A-18, Kahului, Hawaii, 96732, no later than forty-five (45) days following written notification by the County of the list of properties. Contact Abi Fernandez, RPT Collections Supervisor, at (808) 270-7697 for updated list of properties and to coordinate work and delivery. Updated reports must be provided within fifteen (15) days of notification in writing by the Real Property Tax, Treasury Division of those properties for which an updated report is requested. Title insurance policies must be delivered within thirty (30) days of notification of completion of the tax sale. Contractor shall provide at least one (1) representative at the Tax Sale to provide assistance to the taxpayers.

PRICES:

All prices must include all costs, fees, and taxes to deliver the reports and insurance as specified. Time and Cost searches (Title searches which require exceptional efforts) will be subject to additional charges only at the discretion and approval of the County of Maui Treasurer based upon timely written requests fully justifying such additional charges and describing time and effort expended. This justification request should be made no later than thirty (30) days after the title search request is submitted to the successful bidder. Title searches requiring additional time shall be completed no later than the date specified on the written requests.

INDEMNIFICATION:

To the fullest extent permitted by law, it shall be the duty of the Contractor to, at all times, indemnify, defend, protect and save harmless the County, its officers, agents and employees from and against all injuries to property or persons, deaths of persons, loss, damages, suits, claims, worker's compensation claims, patent claims, liabilities, judgments, costs and expenses including attorneys' fees which the County may directly or indirectly suffer, sustain or be subjected to in consequence of the granting of this Contract resulting from and/or arising out of the goods or supplies to be furnished and/or arising out of or in connection with the services to be performed under the terms and specifications of this Contract, whether or not it shall be alleged or determined that such loss and damage was caused by the negligence or omissions of the Contractor, its officers and employees, or of the County, its officers, agents or

employees or of the Contractor's subcontractors, if any, and whether such losses and damages be suffered or sustained by the County, its officers, agents and employees, or be suffered by any other persons, including the Contractor, its officers, agents and employees who may seek to hold the County liable therefore, and whether attributable to the fault, failure or negligence of the County or otherwise, except when proved by the Contractor to be caused by the sole negligence or intentional misconduct of the County, and the Contractor shall, at his own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefrom or in connection therewith. Any surety or performance bond or insurance protection required by this Contract, or otherwise provided by Contractor, shall in no way limit the Contractor's responsibility to indemnify, keep and save harmless and defend the County as herein provided.

Contractor shall provide a statement that the title company will indemnify the County for any loss due to errors, omissions, or reliance upon the information contained in each report.

SECTION 3 PROPOSAL PREPARATION, FORMAT, AND CONTENT

One of the objectives of this RFP is to make proposals preparation easy and efficient, while giving Proposers ample opportunity to highlight their proposals. The evaluation process must also be manageable and effective. When a proposer submits a proposal, it shall be considered a complete plan for accomplishing the tasks described in this RFP and any supplemental tasks the proposer has identified as necessary to successfully complete the obligations outlined in this RFP.

The proposal shall describe in detail the proposer's ability and availability of services to meet the goals and objectives of this RFP.

Proposal must:

1. Include a signed Offer Form (reference attachment at end of document), with the complete name and address of the proposer's firm and name, mailing address, telephone number, and fax number of the person the County of Maui should contact regarding the proposer's proposal.
2. Be organized into sections, following the exact format using all titles, subtitles, and numbering, with tabs separating each section described below. Each section must be addressed individually and pages must be numbered.

- a. Transmittal Letter
See Section Six, Attachment 1, Offer Form.
- b. Experience and Capabilities
 - 1) Number of years in business.
 - 2) Listing of key personnel and associated resumes for those who will be dedicated to this contract.
 - 3) Listing of references.
- d. Pricing – including taxes and all other expenses.
- e. Exceptions

SECTION 4
PROPOSAL EVALUATION CRITERIA

VENDOR NAME	
EVALUATOR NAME	

CRITERIA	RATING	RATING	COMMENTS
UNDERSTANDING OF PROJECT	25%		
Does the vendor respond and demonstrate their understanding of what has to be accomplished and ability to deliver the results as expected?			
COST	25%		
Does each vendor's cost compare, based on your evaluation of the value of the vendors proposal how does their costs compare to the other vendors?			
COMPANY SUPPORT & QUALIFICATIONS	15%		
Support staff and support project during business hours			
CANDIDATE'S EXPERIENCE	15%		
How many jurisdictions or entities does vendor have dealings with title searches of real property in the State of Hawaii?			
TIMEFRAME	20%		
Is the vendor capable of making changes and delivering title searches acceptable to our time of delivery of the project?			
TOTAL SCORE			

SECTION FIVE

SPECIAL PROVISIONS

5.01 SCOPE

All title searches shall be in accordance with this RFP, including the special provisions in this section, the Scope of Work specified herein, and the General Conditions for goods and services, which can be referenced at the following link: http://www.co.maui.hi.us/documents/3/36/3617/GENERAL%20CONDITIONS%20GODS%20and%20SERVICES%20103D%20102113_201312101422125038.pdf

5.02 RESPONSIBILITY OF PROPOSERS

Hawaii Compliance Express (HCE). In accordance with Section 3-122-112, as amended, of the Hawaii Administrative Rules, the successful bidder must produce the following documents as instructed in the attached section entitled "Responsibility of Offerers":

- a. Tax Clearance Certificate
- b. DLIR Certificate of Compliance
- c. Certificate of Good Standing from the DCCA

The awarded vendor is encouraged to use the Hawaii Compliance Express website to assist them in obtaining the above certificates. The state website is <http://vendors.ehawaii.gov>.

5.03 PROPOSER QUALIFICATIONS

Proposer shall meet all of the qualifications required by this RFP. Failure to meet the qualifications as specified in Section 3.20, Experience and Capabilities, will likely have an adverse effect on proposer's proposal evaluation.

5.04 CONTRACT ADMINISTRATOR

For the purposes of this contract, Abi Fernandez, (808) 270-8068, Finance Department Treasury Division, County of Maui, County Service Center, Maui Mall Kahului, HI. 96732.

5.05 OVERVIEW OF THE RFP PROCESS

- a. The RFP is issued pursuant to Subchapter 6 of HAR Chapter 3-122, implementing HRS Section 103D-303.
- b. The procurement process begins with the issuance of the RFP and the formal response to any written questions or inquiries regarding the RFP. Changes to the RFP will be made only by Addendum.
- c. Proposals shall not be opened publicly, but shall be opened in the presence of two (2) or more procurement officials. The register of proposals and

proposers' proposals shall be open to public inspection after posting of the award.

All proposals and other material submitted by proposers become the property of the County of Maui and may be returned only at the County of Maui's option.

- d. The Procurement Officer, or an evaluation committee selected by the Procurement Officer, shall evaluate the proposals in accordance with the evaluation criteria in Section Four. The proposals shall be classified initially as acceptable, potentially acceptable, or unacceptable.
- e. Proposals may be accepted on evaluation without discussion. However, if deemed necessary, prior to entering into discussions, a "priority list" of responsible proposers submitting acceptable and potentially acceptable proposals shall be generated. The priority list may be limited to a minimum of three responsible proposers who submitted the highest-ranked proposals. The objective of these discussions is to clarify issues regarding the proposer's proposal before the BAFO is tendered.
- f. If, during discussions, there is a need for any substantial clarification or change in the RFP, the RFP shall be amended by an addendum to incorporate such clarification or change. Addenda to the RFP shall be distributed only to priority listed proposers who submit acceptable or potentially acceptable proposals.
- g. Following any discussions, Priority Listed proposers will be invited to submit their BAFO, if required. The Procurement Officer or an evaluation committee reserves the right to have additional rounds of discussions with the top three (3) Priority Listed proposers prior to the submission of the BAFO.
- h. The date and time for proposers to submit their BAFO, if any, is indicated in Section 1.04, RFP Schedule and Significant Dates. If proposer does not submit a notice of withdrawal or a BAFO, the proposer's immediate previous offer shall be construed as its BAFO.
- i. After receipt and evaluation of the BAFOs in accordance with the evaluation criteria in Section Four, the Procurement Officer or an evaluation committee will make its recommendation. The Procurement Officer will award the contract to the proposer whose proposal is determined to be the most advantageous to the County of Maui, taking into consideration price and the evaluation factors set forth in Section Four.
- k. The contents of any proposal shall not be disclosed during the review, evaluation, discussion or negotiation process. Once the award notice is posted, all proposals, successful and unsuccessful, become available for public inspection. Those sections that the proposer and the County of Maui agree are confidential and/or proprietary should be identified by the proposers and shall be excluded from access. With respect to confidential or proprietary

information excluded from access, proposer agrees to indemnify, defend, and hold harmless the County from any and all claims that may arise from said exclusion.

- l. The Procurement Officer, or an evaluation committee, reserves the right to determine what is in the best interest of the County of Maui for purposes of reviewing and evaluating proposals submitted in response to the RFP. The Procurement Officer or an evaluation committee will conduct a comprehensive, fair and impartial evaluation of proposals received in response to the RFP.
- m. The RFP, any addenda issued, and the successful proposer's proposal shall become a part of the contract. All proposals shall become the property of the County of Maui.
- n. After the contract has been awarded the County of Maui will notify the unsuccessful vendors.

5.06 CONFIDENTIAL INFORMATION

If a person believes that any portion of a proposal, offer, specification, protest, or correspondence contains information that should be withheld as confidential, then the Procurement Officer named on the cover of this RFP should be so advised in writing and provided with justification to support confidentiality claim. Price is not considered confidential and will not be withheld.

A proposer shall request in writing nondisclosure of designated trade secrets or other proprietary data considered confidential. Such data shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal in order to facilitate eventual public inspection of the non-confidential portion of the proposal.

Pursuant to HAR Section 3-122-58, the head of the purchasing agency or designee shall consult with the Department of the Corporation Counsel and make a written determination in accordance with HRS Chapter 92F. If the request for confidentiality is denied, such information shall be disclosed as public information, unless the person appeals the denial to the Office of Information Practices in accordance with HRS Section 92F-42(12).

5.07 QUESTIONS PRIOR TO OPENING OF PROPOSALS

All questions must be submitted in writing by **May 19, 2014** to abi.fernandez@co.maui.hi.us

5.08 PROPOSAL AS PART OF THE CONTRACT

This RFP and all or part of the successful proposal may be incorporated into the contract.

5.09 PROPOSAL PREPARATION

- a. **OFFER FORM.** Proposals shall be submitted using proposer's exact legal name as registered with the Department of Commerce and Consumer Affairs, if applicable; and to indicate the exact legal name in the appropriate spaces on Failure to do so may delay proper execution of the contract.

The authorized signature on the first page of the Offer Form shall be an original signature in ink. If unsigned, or the affixed signature is a facsimile or a photocopy, the offer shall be automatically rejected, unless accompanied by other material containing an original signature, indicating the proposer's intent to be bound.

- b. **Offer Guaranty.** An offer guaranty is NOT required for this RFP.
- c. **Tax Liability.** Work to be performed under this solicitation is a business activity taxable under HRS Chapter 237, and if applicable, taxable under HRS Chapter 238. Vendors are advised that they are liable for the Hawaii GET at the current 4% rate and the applicable use tax at the current 1/2% rate. If, however, a proposer is a person exempt by the HRS from paying the GET and therefore not liable for the taxes on this solicitation, proposer shall state its tax exempt status and cite the HRS chapter or section allowing the exemption.
- d. **Taxpayer Preference.** For evaluation purposes, pursuant to HRS § 103D-1008, the proposer's tax-exempt price offer submitted in response to an IFB shall be increased by the applicable retail rate of general excise tax and the applicable use tax. Under no circumstance shall the dollar amount of the award include the aforementioned adjustment.
- e. **Original Proposal and Copies to be Submitted.** Proposer shall submit one (1) original proposal marked "ORIGINAL" and **three (3) copies** of the original marked "COPY". It is imperative to note that the proposer submit only one original and the required number of copies. DO NOT SUBMIT MORE THAN ONE ORIGINAL.

Proposer is encouraged to submit typewritten offers. If handwritten, it should be clearly printed. Proposer is cautioned that illegible offers of any item(s) may be automatically rejected to avoid any errors in interpretation by the reviewers during the evaluation process.

- f. Costs for developing the Proposal are solely the responsibility of the proposer, whether or not any award results from this solicitation. The County of Maui will not reimburse such costs.
- g. All proposals become the property of the County of Maui.

- h. Copies of documents transmitted by proposers via facsimile machines shall be limited to the modifications or withdrawal of any offer pursuant to HAR Sections 3-122-108 and 3-122-28, respectively.

5.10 SUBMISSION OF PROPOSAL

Offers shall be received at the Department of Finance, Purchasing Division, no later than the date and time stated in Section 1.04, Significant Dates, as amended. Timely receipt of offers shall be evidenced by the date and time registered by the Department of Finance, Purchasing Division time stamp clock. Offers received after the deadline shall be returned unopened.

If the proposer chooses to deliver its offer by United States Postal Service (USPS), please be aware that the USPS does not deliver directly to the Department Finance, Purchasing Division but to a central mailroom. This may cause a delay in receipt by the Department of Finance, Purchasing Division and the offer may reach the Department of Finance, Purchasing Division after the deadline, resulting in automatic rejection.

5.11 PRICING

Pricing shall include labor, supplies, and all applicable taxes. The pricing shall be all-inclusive. The County of Maui is not tax exempt.

5.12 EVALUATION OF PROPOSALS

The Procurement Officer, or an evaluation committee of at least three (3) qualified County of Maui employees selected by the Procurement Officer, shall evaluate the proposals. The evaluation will be based solely on the evaluation criteria set out in Section Four of this RFP.

Proposals shall be classified initially as acceptable, potentially acceptable, or unacceptable. Discussion may be conducted with priority listed proposers who submit proposals determined to be acceptable or potentially acceptable of being selected for award, but proposals may be accepted without such discussions. The objective of these discussions is to clarify issues regarding the proposer's proposals before the best and final offer, if necessary.

If numerous acceptable and potentially acceptable proposals are submitted, the evaluation committee may rank the proposals and limit the priority list to three responsive, responsible Proposers who submitted the highest-ranked proposals.

5.13 NON-DISCRIMINATION

The Contractor shall comply with all applicable federal and State laws prohibiting discrimination against any person on the grounds of race, color, national origin, religion, creed, sex, age, sexual orientation, marital status, handicap, or arrest and court records in employment and any condition of employment with the Contractor or

in participation in the benefits of any program or activity funded in whole or in part by the State.

5.14 CONFLICTS OF INTEREST

The Contractor represents that neither the Contractor nor any employee or agent of the Contractor presently has any interest, and promises that no such interest, direct or indirect, shall be acquired that would or might conflict in any manner or degree with the Contractor's performance of this contract.

5.31 WAIVER

The failure of the County of Maui to insist upon the strict compliance with any term, provision or condition of this contract shall not constitute or be deemed to constitute a waiver or relinquishment of the County of Maui's right to enforce the same in accordance with this contract.

5.32 SEVERABILITY

In the event that any provision of this contract is declared invalid or unenforceable by a court, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms of this contract.

5.33 CAMPAIGN CONTRIBUTIONS BY STATE AND COUNTY CONTRACTORS

It has been determined that funds for this contract have been appropriated by a legislative body.

Therefore, proposer, if awarded a contract in response to this solicitation, agrees to comply with HRS Section 11-205.5, which states that campaign contributions are prohibited from a State and county government contractor during the term of the contract if the contractor is paid with funds appropriated by a legislative body.

OFFER FORM
OF-1

REQUEST FOR PROPOSAL
REAL PROPERTY TITLE SEARCHES
COUNTY OF MAUI
DEPARTMENT OF FINANCE/TREASURY DIVISION
RFP13-14/P101

Abi Fernandez
County of Maui
Finance Department/Treasury Division
Maui County Service Center
Kahului, HI 96732

The undersigned has carefully read and understands the terms and conditions specified in the Specifications and Special Provisions attached hereto, and in the General Conditions, by reference made a part hereof and available upon request; and hereby submits the following offer to perform the work specified herein, all in accordance with the true intent and meaning thereof. The undersigned further understands that by submitting this offer, 1) he/she is declaring his/her offer is not in violation of Chapter 84, Hawaii Revised Statutes, concerning prohibited State contracts.

Proposer** is: _____
(Name of Company)

☐ Sole Proprietor ☐ Partnership ☐ Corporation* ☐ Joint Venture
☐ Other: _____

*State of incorporation: _____

Hawaii General Excise Tax License I.D. No.: _____

Payment address (other than street address below): _____

City, State, Zip Code: _____

Business address (street address): _____

City, State, Zip Code: _____

Respectfully submitted:

Date: _____ (x) _____
Authorized (Original) Signature

Telephone No.: _____

Facsimile No.: _____

Name and Title (Please Type or Print)

**If proposer is a "dba" or a "division" of a corporation, furnish the exact legal name of the corporation under which the awarded contract will be executed:

Email Address: _____

Total cost for each title search.

\$ _____

Note: Pricing shall include labor, materials, supplies, all applicable taxes, and any other costs incurred to provide the specified services plus GET.

Proposer: _____
Name of Company

CERTIFICATION OF COMPLIANCE FOR FINAL PAYMENT
(Reference § 3-122-112, HSR)

Reference: _____
(Contract Number) (IFB/RFP Number)

Company Name: _____ affirms it is in compliance with all laws, as applicable, governing doing business in the State of Hawaii to include the following:

1. Chapter 383, HRS, Hawaii Employment Security Law - Unemployment Insurance;
2. Chapter 386, HRS, Worker's Compensation Law;
3. Chapter 392, HRS, Temporary Disability Insurance;
4. Chapter 393, HRS, Prepaid Health Care Act; and

maintains a "Certificate of Good Standing" from the Department of Commerce and Consumer Affairs, Business Registration Division.

Moreover, _____
(Company Name)

Acknowledges that making a false statement shall cause its suspension and may cause its debarment from future awards of contracts.

Signature: _____

Print Name: _____

Title: _____

Date: _____